

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): ATTORNEY FOR (Name): NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE NO.:	FOR COURT USE ONLY
PLAINTIFF: DEFENDANT:		CASE NUMBER:
ORDER <input type="checkbox"/> to Set Aside Right to Attach Order, Quash Writ of Attachment, and Release Property Levied Upon <input type="checkbox"/> to Release Attached Property Exceeding in Value the Amount to be Secured <input type="checkbox"/> to Substitute Defendant's Undertaking for Property <input type="checkbox"/> to Increase Plaintiff's Undertaking <input type="checkbox"/> to Determine Sufficiency of Plaintiff's Sureties <input type="checkbox"/> to Discharge Attachment and Release Property Levied Upon (Ex Parte) <input type="checkbox"/> to Release Property Levied Upon Due to Filing of Undertaking on Appeal (Ex Parte) <input type="checkbox"/> to Reduce the Amount to be Secured by the Attachment		

1. a. The court has considered the application of defendant

(name):

for an order

- (1) ☐ to set aside Right to Attach Order, quash Writ of Attachment, and release property levied upon.
- (2) ☐ to release attached property exceeding in value the amount to be secured.
- (3) ☐ to substitute defendant's undertaking for property.
- (4) ☐ to increase plaintiff's undertaking.
- (5) ☐ determining sufficiency of plaintiff's sureties.
- (6) ☐ to discharge attachment and release property levied upon.
- (7) ☐ to release property levied upon due to filing of undertaking on appeal.
- (8) ☐ to reduce the amount to be secured by the attachment.

b. ☐ On hearing as follows (check boxes in items (3) and (4) below to indicate personal presence):

(1) Judge (name):

(2) Hearing date: _____ time: ☐ dept.: ☐ div.: ☐ rm.:

(3) ☐ Plaintiff (name):

☐ Attorney (name):

(4) ☐ Defendant (name):

☐ Attorney (name):

c. ☐ Ex parte.

2. THE COURT FINDS

a. ☐ Plaintiff is not entitled to the Right to Attach Order issued on

(date):

b. ☐ Nonresident defendant has filed a general appearance and plaintiff has not shown that the Right to Attach order is authorized by a provision other than CCP 492.010.

c. ☐ The value of defendant's interest in property attached is

\$

which exceeds the amount necessary to satisfy the amount to be secured by the attachment by

\$

d. ☐ The defendants named in item 1a are the only defendants who have an interest in the property described in item 2f.

e. ☐ The following defendants, not named in item 1a, have an interest in the property described in item 2f (names):

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2. f. ☐ an undertaking in the amount of \$ _____ is a sufficient substitution for the following property which
- (1) ☐ has been attached (*describe*):
- (2) ☐ is subject to attachment (*describe*):
- g. ☐ The undertaking is insufficient as follows (*specify*):
- h. ☐ Defendant has recovered judgment against plaintiff and (1) no timely motion to vacate the judgment or for judgment notwithstanding the verdict or for a new trial has been filed and served and is pending and no appeal has been perfected; and (2) no undertaking has been executed and filed as required by CCP 921.
- i. ☐ Enforcement of plaintiff's judgment is stayed by the filing of an undertaking on appeal and justification of defendant's sureties
- ☐ has been made.
- ☐ has been waived in writing.
- ☐ has been waived by failure to timely object.
- j. ☐ The amount to be secured by the attachment may be reduced by the amount of \$ _____
- k. ☐ Other (*specify*):

ORDER

3. IT IS ORDERED

- a. ☐ The Right to Attach Order issued on (*date*): _____ is set aside.
- b. ☐ The Writ of Attachment issued on (*date*): _____ is quashed.
- c. ☐ The property levied upon pursuant to the Writ of Attachment issued on (*date*): _____ is released as follows:
- (1) ☐ all property.
- (2) ☐ property in the amount of \$ _____
- (3) ☐ the following property (*describe*):
- d. ☐ Defendant may substitute an undertaking for property which has been attached as follows:
- (1) amount of undertaking: \$ _____
- (2) property (*describe*):
- e. ☐ Defendant may file an undertaking to prevent the levy upon property as follows:
- (1) amount of undertaking: \$ _____
- (2) property (*describe*):
- f. ☐ An increase in the amount of plaintiff's undertaking is required to a total undertaking of \$ _____
- An undertaking in this amount shall be filed on or before (*date*):
- g. ☐ Plaintiff shall file an undertaking by (*date*): _____ with sufficient sureties.
- h. ☐ The amount to be secured by the attachment is reduced to \$ _____
- i. ☐ Other:
- j. Total number of boxes checked in item 3

Date:

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(TYPE OR PRINT NAME)



(SIGNATURE OF JUDGE OR MAGISTRATE JUDGE)